

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

RICHARD W. STODULSKI, JR.	:	CIVIL ACTION
	:	
v.	:	
	:	
MEDLINE INDUSTRIES, INC., et al.	:	NO. 10-2870

ORDER

AND NOW, this 28th day of November, 2011, upon consideration of the defendants' Motions to Dismiss (Docket Nos. 7, 28, & 29), the plaintiff's oppositions thereto, after an on-the-record hearing, and for the reasons stated in a memorandum bearing today's date, IT IS HEREBY ORDERED that the defendants' motions are GRANTED and the complaint is DISMISSED in its entirety.

All claims against the defendants Frank Castro and Michael Sjoerdsma are DISMISSED with prejudice. Any claims for discrimination against Medline occurring prior to January 23, 2008 are DISMISSED with prejudice.

All claims for discrimination arising out of the plaintiff's proposed transfer in March 2008 are DISMISSED without prejudice. The plaintiff may file an amended complaint that addresses the deficiencies identified in the Court's memorandum opinion. Specifically, the plaintiff is granted leave to file an amended complaint that (a) identifies the adverse employment action he suffered in March 2008 as a result of his proposed

transfer, and (b) alleges facts demonstrating that such actions were taken as a result of his disability.

The plaintiff is reminded that the Court is without jurisdiction to address any claims for retaliation for filing a charge of discrimination with the Equal Employment Opportunity Commission, as any such claims must be presented in a separate action. See Ostapowicz v. Johnson Bronze Co., 541 F.2d 304, 398-99 (3d Cir. 1976) (noting that "the parameters of the civil action in the district court are defined by the scope of the EEOC investigation which can reasonably be expected to grow out of the charge of discrimination").

The plaintiff may file an amended complaint on or before December 28, 2011.

BY THE COURT:

/s/ Mary A. McLaughlin
MARY A. McLAUGHLIN, J.